

## Request for Decision

### Ramsey Lake Docking Privileges

Presented To: Community Services  
Committee

Presented: Monday, Apr 03, 2017

Report Date Tuesday, Mar 14, 2017

Type: Managers' Reports

#### Resolution

WHEREAS the City of Greater Sudbury purchased the property at 322 McNaughton Terrace in 2011 to complete the waterfront parkland between Bell Park main beach and McNaughton Terrace green space, and;

WHEREAS docking privileges have been continued for four private boat owners at this site, and;

WHEREAS the City of Greater Sudbury operates the Ramsey Lake boat launch to enable boat owners public access to Ramsey Lake in close proximity to this site, and;

WHEREAS one of the boat owners currently docking at McNaughton Terrace owns water access only property on Ramsey Lake, and;

WHEREAS the continuation of the public walkway between Bell Park main beach and McNaughton Terrace supports the principles and values for management of the waterfront identified within the Bell Park Master Plan (1999);

THEREFORE be it resolved that the docking privilege for the water access only property be relocated to the Ramsey Lake boat launch and the remaining boat owners be required to make use of the launching facilities located there for public use.

#### Signed By

**Report Prepared By**

Jeff Pafford  
Director of Leisure Services  
*Digitally Signed Mar 14, 17*

**Health Impact Review**

Jeff Pafford  
Director of Leisure Services  
*Digitally Signed Mar 14, 17*

**Division Review**

Jeff Pafford  
Director of Leisure Services  
*Digitally Signed Mar 14, 17*

**Recommended by the Department**

Catherine Matheson  
General Manager of Community  
Development  
*Digitally Signed Mar 14, 17*

**Recommended by the C.A.O.**

Ed Archer  
Chief Administrative Officer  
*Digitally Signed Mar 14, 17*

#### Finance Implications

The City of Greater Sudbury did not invest any capital dollars into the docks located at McNaughton Terrace. The docks are owned by the users and are portable. The recommendation is that the one owner who has a water access only property, would relocate the existing dock to the public boat launch on the lake. There is no financial impact to the City of Greater Sudbury.

## Health Impact Assessment

The recommendation in this report is consistent with the Bell Park Master Plan which states the park is to be community focused and user friendly as part of Bell Park's long term vision.

## **Background**

In August of 2011, City of Greater Sudbury Council passed a resolution approving the purchase of 322 McNaughton Terrace. This purchase enables the completion of the waterfront walkway from Bell Park main beach to McNaughton Terrace. The demolition of the building formerly on the site was completed in March of 2012.

In May of 2012, City of Greater Sudbury scheduled a meeting with boat owners who had been permitted docking privileges with the previous owner of the building. The boat owners wished to continue docking at the site which was now public parkland. Four of the boat owners had been identified in a letter to the City of Greater Sudbury Real Estate Department from the Solicitor of the previous owner, indicating they had been docking at that property in the past. There was no written agreement regarding any docking arrangements between the former owner and the boat owners. Only one boat owner has property on Ramsey Lake which is water access only.

The City of Greater Sudbury suggested that the existing Ramsey Lake boat launch could be an alternate site for this docking arrangement with the boat owners supplying their own docks. The boat owners attending the meeting preferred the existing site at McNaughton Terrace citing concerns in regard to security and lack of lighting.

In June of 2012, City of Greater Sudbury Council requested that the City of Greater Sudbury negotiate a docking arrangement for continued use of the McNaughton Terrace site for the four individuals on the list provided by the Solicitor of the former owner of 322 McNaughton Terrace (see attached Appendix A - Ramsey Lake Docking Privileges). The existing permanent dock was removed from the site as it was unsafe for use and the boat owners paid for their own docking, which met the requirements provided by the City of Greater Sudbury. A letter from the City of Greater Sudbury was sent to the owners at that time, indicating that they were responsible for appropriate docks and the maintenance of them at the site. An agreement was not entered into at the time as it was proving difficult to reconcile an agreement.

## **Current Issues**

It has been difficult to restrict docking at this site to only those identified by the former owner and a number of residents have requested the same privilege. Challenges arose when an individual who was docking there without the knowledge of City of Greater Sudbury called the City of Greater Sudbury in August of 2016 with concerns for the safety of his boat. The individual suggested that one of the other individuals docking at the site was inflicting minor damage on his boat. This individual wanted the City of Greater Sudbury to follow up on the complaint, to which the City of Greater Sudbury indicated it was an unsupervised docking location. The incident has been reported to the Greater Sudbury Police Service by the owner.

The parking area at McNaughton Terrace and Elizabeth Street serves as one of the main entries to Bell Park. With the recent relocation of the Rowing and Canoe Club to the Northern Water Sports Centre, the walkway along the shoreline from Bell Park main beach to McNaughton Terrace can now be completed for public use. The docks currently located at this site are not conducive to the public enjoyment of the waterfront.

The issues identified above have led to the recommendations outlined in this report.

## **Recommendation**

City of Greater Sudbury is recommending that the owner of water access only property relocate his dock to the Ramsey Lake boat launch in the spring of 2017. Arrangements will be determined for this at the boat launch to ensure it does not compromise other users of the boat launch site. It is further recommended that the other three boat owners who were named in the original letter from the former owner's Solicitor launch their boats as required at the Ramsey Lake boat launch as per their needs.

The four individuals currently docking at McNaughton Terrace have been contacted and made aware of the report recommendations. The individuals docking at McNaughton Terrace stated they were not supportive of the proposed changes.

## **Next Steps**

Only one of the boat owners currently docking at McNaughton Terrace owns water access only property on Ramsey Lake. The Ramsey Lake boat launch is in close proximity to the McNaughton Terrace site and serves as the access to Ramsey Lake for owners of power boats. It is a more appropriate location for the type of docking which has continued at McNaughton Terrace since the City of Greater Sudbury purchased the property. The relocation of the docks to the boat launch site would return the use of the entire waterfront at McNaughton Terrace and Bell Park main beach to public use.

## **References**

*Bell Park Master Plan (2000)*

<https://www.greatersudbury.ca/sudburyen/assets/File/Leisure/Bell%20park%20Master%20plan.pdf>



## Request for Decision

### Docking Privileges at 322 McNaughton Terrace

Presented To:	Community Services Committee
Presented:	Monday, Jun 25, 2012
Report Date	Wednesday, Jun 13, 2012
Type:	Referred & Deferred Matters

### Recommendation

WHEREAS on April 30th, 2012 Council passed a resolution directing staff to negotiate a docking agreement with previous users of the dock located at 322 McNaughton Terrace - Bell Park, and;

WHEREAS a meeting was held with previous dock users on May 9th, 2012 to discuss options for continued use of docking privileges at Bell Park, and;

WHEREAS the previous users have expressed preference to continue docking at the current location off McNaughton Terrace;

THEREFORE BE IT RESOLVED THAT council authorize staff to negotiate a docking lease agreement with individual boat owners who had approval from the previous owner of 322 McNaughton Terrace, and;

THAT the lease agreement include the responsibility of the users for all capital upgrades and operating costs to ensure that the docks are repaired and are safe for users, are maintained and insured, and;

THAT Council approve the docking request at Bell Park (McNaughton Terrace) to operate a float plane sightseeing business and that a lease agreement to operate off the dock be negotiated with the operator.

### Finance Implications

If approved, there will be no financial implications to the City, as all costs, both capital and operating will be the responsibility of the users.

## Background

On April 30th, 2012, the Community Services Standing Committee passed the following motion:

CS2012-23 Cimino/Kett: WHEREAS on August 10th, 2011, Council of the City of Greater Sudbury passed a resolution approving the purchase of 322 McNaughton Terrace located in Bell Park;

#### Signed By

##### **Report Prepared By**

Real Carre  
Director of Leisure Services  
*Digitally Signed Jun 13, 12*

##### **Recommended by the Department**

Catherine Matheson  
General Manager of Community Development  
*Digitally Signed Jun 13, 12*

##### **Recommended by the C.A.O.**

Doug Nadorozny  
Chief Administrative Officer  
*Digitally Signed Jun 13, 12*

AND WHEREAS Council approved the demolition of the building which was completed on March 23rd, 2012

AND WHEREAS the former owner included two existing docks as part of the purchase of the property;

AND WHEREAS the former owner had previous arrangements with individuals for docking privileges;

AND WHEREAS some of the individuals are owners of cottages on Ramsey Lake who do not have road access;

AND WHEREAS these individuals have requested of the City continued access for docking privileges;

THEREFORE BE IT RESOLVED that Council of the City of Greater Sudbury authorize staff to negotiate a docking arrangement with previous users;

AND THAT the negotiations include discussion on a dock location and dock improvements;

AND THAT any agreement outside of budget or outside the general public boat launching location be brought back to the Community Services Committee for consideration.

### **Docking Requests**

As directed by Council, staff scheduled a meeting on May 9th, 2012 at Tom Davies Square with individuals who had expressed interest in continuing the use of docking privileges at Bell Park. Several individuals had docking arrangements with the previous owner and the City was notified of these arrangements through a letter from the solicitor of the former owner. The letter indicated that there were no lease agreements, rental agreements, licenses, etc. in relation to any docking privileges. Staff contacted all the names identified by the solicitor of the former owner of 322 McNaughton Terrace and three of the individuals attended the meeting.

It was suggested by staff that the existing Ramsey Lake boat launch could be an alternative although the users would be responsible for purchasing a dock for their use as the existing docks at this site are for public use with no overnight docking. Those in attendance indicated that this site was not attractive due to the amount of traffic in and out of the site, a concern for the security of their boats, lack of lighting and the lack of appropriate permanent docks at the site for their boats. All in attendance would prefer to continue docking at the location at McNaughton Terrace. Some of the individuals were interested in paying for improvements to the existing docks in order to continue to have access.

As reported to Standing Committee, the docks are in serious need of repair and should be either made safe or removed. Should the City decide to lease out the existing space to individual boat owners, a lease agreement would be necessary in addition to hold harmless and indemnity clauses as well as proof of insurance would be included as part of the agreement.

The lease agreement would also have to include items such as capital repairs, maintenance to the existing docks, signage, supervision, etc. In addition, exceptions will be necessary to allow consideration for overnight parking as an exception to the Parks By-law.

### **Docking/operating sightseeing tour business**

With respect to the request for docking request to operate a sightseeing tour business, the Standing Committee agreed to refer this matter for public input at the public participations sessions for the proposed Parks By-law. The question as to whether or not a float plane operation was an appropriate use of Bell Park was included as part of the public survey.

In regards to the proposal, 109 responded to the question - 54% supported the proposal.

Comments identified in survey include:

- Concerns about noise, safety, water pollution
- Commercial float planes (only during specific times, not be disruptive to the area)

An operating agreement will be necessary in order to permit the commercial operation at Bell Park.

### **General Information**

In regards to docking privileges, staff have been in contact with the Legal department, Risk Management and the Nickel District Conservation Authority in regards to issues and concerns. The following summarizes their input:

- Any work on the existing docks require consultation with Nickel District Conservation Authority regarding scope of work, authorization, permits and environmental control.
- The City would have liability obligations regarding accidents/incidents related to docking since the dock is located on City property.
- Capital improvements are necessary on the existing dock in order to ensure safety to all users.